

11/05/01



J1058 U.S. PTO

11-27-01

Docket # PF-0111-3 CON



"Express Mail" mailing label number EL 856 168 922 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on November 5, 2001

By:

Michelle StempienPrinted: Michelle Stempien

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **CONTINUATION** application under 37 CFR 1.53(b) of pending prior application Serial No. 09/212,153, filed on December 15, 1998, entitled NOVEL HUMAN LEPTIN RECEPTOR GENE-RELATED PROTEIN, which is a divisional application of U.S. Serial No. 08/843,370, filed April 15, 1997, now US Pat. No. 5,874,535, which is a continuation-in-part of U.S. Serial No. 08/691,071, filed August 1, 1996, now US Pat. No. 5,789,198.

1. X Enclosed is a specification corresponding to the prior application, U. S. Application Serial No. 09/212,153 filed, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant continuation application is identical with the computer readable form filed with Serial No. 09/212,153, filed, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 09/212,153 as the computer readable form for the instant continuation application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant continuation application.
3. X Cancel in this application original claims 21-22, 24-25, 30-45, 47, 49-55 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention

disclosed herein which is not set forth in the instantly filed claims.

4. X The inventor(s) of the invention being claimed in this application is (are): Bernard Bailleul, A. Donny Strosberg, and Ingrid E. Akerblom.
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on March 3, 1999 is enclosed.
6. Amend the specification by inserting after the title: "This application is a continuation application of U.S. application serial number 09/212,153, filed , all of which applications and patents are hereby incorporated herein by reference."
7. X The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate	Basic Fee	
					\$740.00	
Total Claims	29	-20	9	x \$18	\$162	\$162.00
Indep. Claims	2	-3	0	x \$84	0	\$0
<u> </u> Multiple Dependent Claim(s), if any				+ \$280		\$162.00

TOTAL FILING FEE \$ 902.00

8. An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. X Please charge Deposit Account No. **09-0108** in the amount of \$ 902.00.
The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. **09-0108**. A **duplicate** copy of this Request is enclosed.
10. X New formal drawings are enclosed, Figs. 1A, 1B, 2, 3, 4, 5, 6, 7, 8 and 9.
11. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on October 16, 1996, at reel 8179/frame 0620.
12. A preliminary amendment is enclosed.
13. X Also enclosed Information Disclosure Statement and Form PTO-1449 (4 pp., in duplicate); Submission Under 37 C.F.R. &&1.821-1.825 Sequence Listing (1 pg.) and one (1) computer-readable diskette; Submission of Formal Drawings (1 pg.).
14. X The power of attorney of the prior application is to:

Adam Warwick Bell
Lucy J. Billings
Michael C. Cerrone

Reg. No. 43,490
Reg. No. 36,749
Reg. No. 39,132

Diana Hamlet-Cox
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Reg. No. 43,847
Reg. No. 44,316
Reg. No. 43,168
Reg. No. 45,167
Reg. No. 41,420

___ The associate power of attorney in the prior application is to:

- a. X A Certificate Under 37 C.F.R. §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys is attached (2 pp.).
- b. ___ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Address all future correspondence to:

INCYTE GENOMICS, INC.
PATENT DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: 05 November 2001 By:

Michelle M. Stempien

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- ___ Inventor(s)
___ Assignee of complete interest
X Attorney or agent of record
___ Filed under 37 CFR 1.34(a)
Registration number if acting under 37 CFR 1.34(a) _____

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By: Michelle Stempien Printed: Michelle Stempien

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bernard Bailleul, A. Donny Strosberg, Ingrid E. Akerbloom

Title: NOVEL HUMAN LEPTIN RECEPTOR GENE-RELATED PROTEIN

Serial No.: To Be Assigned Filed: Herewith

Examiner: To Be Assigned Group Art Unit: To Be Assigned

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

SUBMISSION UNDER 37 CFR §1.821- 1.825 SEQUENCE LISTING

Sir:

In accordance with the requirements of 37 CFR §1.821- 1.825, Applicants hereby submit one (1) diskette containing the computer-readable information for the "Sequence Listing" of the above-identified application. The diskette complies with the requirements of 37 CFR §1.824 and is IBM PC compatible using a UNIX operating system with PERL Program.

Accompanying the application is the paper copy of the Sequence Listing as disclosed in the application.

The content of the "Sequence Listing" paper copy is identical to the computer readable copy, as required under 37 CFR § 1.821(f).

Respectfully submitted,
INCYTE GENOMICS, INC.

Date: 05 November 2001

Michelle M. Stempien

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By: Michelle Stempien Printed: Michelle Stempien

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bailleul, et al.

Title: NOVEL HUMAN LEPTIN RECEPTOR GENE-RELATED PROTEIN

Serial No.: To Be Assigned Filing Date: Herewith

Examiner: To Be Assigned Group Art Unit: To Be Assigned

Official Draftsman
Commissioner for Patents
Washington, D.C. 20231

SUBMISSION OF FORMAL DRAWINGS

Sir:

Transmitted herewith are Figure(s) 1A, 1B, 2, 3, 4, 5, 6, 7, 8 and 9, as ten (10) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the reverse side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 09-0108. A duplicate copy of this communication is enclosed.

If there are any questions regarding the above, the Examiner is invited to call the undersigned at 650-855-0555.

Respectfully submitted,
INCYTE GENOMICS, INC.

Date: 05 November 2001

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